

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Cleveland Bakers and Teamsters Health
and Welfare Fund, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-op-45432-DAP

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**MANUFACTURER DEFENDANTS' MOTION TO CERTIFY
THE COURT'S FEBRUARY 21, 2020 ORDER
FOR IMMEDIATE APPEAL UNDER 28 U.S.C. § 1292(b)**

Pursuant to this Court's April 7, 2020 order granting leave to file this motion, the undersigned pharmaceutical manufacturers (the "Manufacturer Defendants") respectfully request that this Court certify under 28 U.S.C. § 1292(b) the Court's February 21, 2020 Opinion and Order, Doc. 3177 ("Order"), denying, as relevant here, their motion to dismiss the RICO claims brought by Plaintiffs Cleveland Bakers and Teamsters Health and Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund (the "Third-Party Payors"). Specifically, the Manufacturer Defendants seek certification of the Order so they may request an interlocutory appeal on the question whether the Third-Party Payors' allegations meet RICO's proximate cause requirement.

An immediate appeal of this issue is warranted. The grounds for the Manufacturer Defendants' motion are set forth in the accompanying memorandum of law. The Manufacturer Defendants also have submitted a Proposed Order granting the Manufacturer Defendants' motion to certify under § 1292(b).

Dated: April 7, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 7, 2020, I filed the foregoing with the Clerk of the Court using the ECF System which will send notification of such filing to the registered participants identified on the Notice of Electronic Filing.

/s/ Jonathan Stern
Service Attorney